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Hello,

My name is Douglas Smith. I am a software developer for TeraTech, a
company in Rockvile, Maryland. I firmly believe that the Proposed Final
Judgement (PFJ) against Microsoft is weak and not in the public's
interest. This is especially true in the section of the PFJ that has to do
with defining the Windows Operating System. Any current and future
operating systems designed by Microsoft that use any part of the Win32 API
should be covered, since that is the core of the operating system, and the
core of what defines the term "Windows compatible software."

Definition U: "Windows Operating System Product"

Microsoft's monopoly is on Intel-compatible operating systems. Yet the PFJ
in definition U defines a "Windows Operating System Product" to mean only
Windows 2000 Professional, Windows XP Home, Windows XP Professional, and
their successors. This purposely excludes the Intel-compatible operating
systems Windows XP Tablet PC Edition and Windows CE; many applications
written to the Win32 APIs can run unchanged on Windows 2000, Windows XP
Tablet PC Edition, and Windows CE, and with minor recompilation, can also
be run on Pocket PC.

Microsoft even proclaims at
www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp:

"The Tablet PC is the next-generation mobile business PC, and it will be
available from leading computer makers in the second half of 2002. The
Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the
capabilities of current business laptops, including attached or detachable
keyboards and the ability to run Windows-based applications."

and Pocket PC: Powered by Windows

Microsoft is clearly pushing Windows XP Tablet PC Edition and Pocket PC in
places (e.g. portable computers used by businessmen) currently served by
Windows XP Home Edition, and thus appears to be trying to evade the Final
Judgment's provisions. This is but one example of how Microsoft can evade

the provisions of the Final Judgment by shifting its efforts away from the
Operating Systems listed in Definition U and towards Windows XP Tablet
Edition, Windows CE, Pocket PC, X-Box, or some other Microsoft Operating
System that can run Windows applications.

Definition U currently reads:

U. "Windows Operating System Product" means the software code (as opposed
to source code) distributed commercially by Microsoft for use with Personal
Computers as Windows 2000 Professional, Windows XP Home, Windows XP
Professional, and successors to the foregoing, including the Personal
Computer versions of the products currently code named "Longhorn" and
"Blackcomb" and their successors, including upgrades, bug fixes, service
packs, etc. The software code that comprises a Windows Operating System
Product shall be determined by Microsoft in its sole discretion.

Definition U should be amended to read

U. "Windows Operating System Product" means any software or firmware code
distributed commercially by Microsoft that is capable of executing any
subset of the Win32 APIs, including without exclusion Windows 2000
Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet
PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing,
including the products currently code named "Longhorn" and "Blackcomb" and
their successors, including upgrades, bug fixes, service packs, etc.

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